

REQUEST FOR RECONSIDERATION

Claims 1-17 remain active in this application.

The claimed invention is directed to a coffee composition, a soluble coffee composition, a packaged beverage filled with a coffee composition and methods for preparing same, comprising 0.01 to 1 wt.% of chlorogenic acids and less than 0.1 wt.% of hydroxyhydroquinone (HHQ), based on the amount of chlorogenic acids.

Applicants wish to thank examiner King and Supervisory Patent Examiner McNeil for the helpful and courteous discussion held with their U.S. representative on April 2, 2009. At that time, applicants' U.S. representative discussed presentation of evidence that treatment of a coffee composition with activated carbon does not inherently provide for an HHQ content of less than 0.1 wt. %. The following is intended to expand upon the discussion with the examiners.

Coffee compositions are consumed around the world. In spite of a large content of chlorogenic acid, a known antihypertensive agent, coffee has been recognized to increase blood pressure levels. Applicants have discovered that reduction of HHQ content, a component of coffee, can provide an antihypertensive effect for coffee beverages. Such a coffee composition is nowhere disclosed or suggested in the cited art of record.

The rejections of claim 1-2 under 35 U.S.C. 103(a) over Slaga et al. in view of Stelkens GB 354,942 and of claims 3-15 in further view of various citations to Suzuki et al EP 1186294, Kiefer U.S. 5,588,742, Schlichter U.S. 3,615,666 and Behrman U.S. 2,430,663 are respectfully traversed.

None of the cited references disclose or suggest a composition comprising 0.01 to 1 wt. % of chlorogenic acids and less than 0.1 wt. % of HHQ.

Slaga et al. has been cited for a disclosure of a coffee composition containing 0.6 wt. % of chlorogenic acid (page 2, example 1) but lacking a disclosure of an HHQ content of less than 0.1 wt.% (page 3, paragraph 6 of official action).

Stelkens has been cited for a disclosure of treatment of infusions of tea and coffee with activated carbon such that caffeine and other distasteful constituents are adsorbed (page 1, lines 74-84). Treatment with activated carbon results in a decrease in the **total nitrogenous content** (43% reduction) of the coffee infusion (page 2, lines 16-20). There is no express disclosure of removal of HHQ. HHQ is not a nitrogenous compound. The use of zinc chloride treated activated carbon of an average particles size of 0.2-0.4 mm apparently has the examiner postulating that an HHQ content as claimed would be expected.

In contrast, the claimed invention is directed to a coffee composition, a soluble coffee composition, a packaged beverage filled with a coffee composition and methods for preparing same, comprising 0.01 to 1 wt.% of chlorogenic acids and **less than 0.1 wt.% of hydroxyhydroquinone (HHQ)**, based on the amount of chlorogenic acids.

Applicants respectfully submit that mere treatment of a coffee composition with activated carbon would not inherently provide an HHQ content of less than 0.01%. As evidence of the lack of inherency of treatment of coffee extract with activated carbon, applicants enclose herewith the declaration of Mr. Hideo Ohminami, a researcher of Kao Corporation, the assignee of the above-identified application and a named inventor.

Mr. Ohminami prepared a coffee extract and treated with activated carbon having an average particle size of 0.3 mm, using the technique and proportions described in Stelkens. The HHQ and chlorogenic acid contents were determined by HPLC as 0.00112 wt. % and 0.46549 wt. % respectively. Thus, while the chlorogenic acid content was within the claimed range of 0.01-1 wt. %, the content of HHQ, relative to chlorogenic acid was 0.24%, in excess of the claim limitation of "less than 0.1 wt.%" Thus, Mr. Ohminami's declaration provides

evidence of the lack of inherency of an HHQ content as claimed, resulting from activated carbon treatment.

As neither reference suggests removal of HHQ from a coffee composition and a content of HHQ as claimed is not inherent to treatment with activated carbon, the claimed invention is clearly not rendered obvious by the cited references.

The basic deficiencies of the primary references are not cured by the secondary references as none of the secondary references disclose or suggest a process which would result in an HHQ content, as claimed.

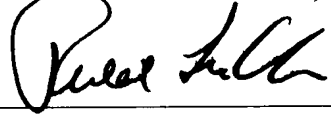
Since the cited references fail to suggest removal of HHQ to a content as claimed, the claimed invention would not have been obvious and accordingly, withdrawal of the rejections under 35 U.S.C. 103 (a) is respectfully requested.

Applicants have corrected the dependency of claims 16 and 17 as noted by the examine as improper. Full consideration of claims 16 and 17 is respectfully requested.

Applicants submit that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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